United Nations S/2006/829

Security Council

Distr.: General
19 October 2006

Original: English

Letter dated 18 October 2006 from the Chargé d'affaires a.i. of the Permanent Mission of the Congo to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith the text of a communiqué adopted by the Peace and Security Council of the African Union at its 64th meeting, held in Addis Ababa on 17 October 2006 at the level of Heads of State and Government, on the situation in Côte d'Ivoire (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Pascal **Gayama**
Ambassador
Deputy Permanent Representative
Permanent Mission of the Republic of the Congo to the United Nations
Representative of the current Chairman of the African Union

06-58008 (E) 261006

Annex to the letter dated 18 October 2006 from the Chargé d'affaires a.i. of the Permanent Mission of the Congo to the United Nations addressed to the President of the Security Council

[Original: English and French]

COMMUNIQUÉ OF THE 64TH MEETING OF THE PEACE AND SECURITY COUNCIL

The Peace and Security Council of the African Union, at its 64th meeting held on 17 October 2006, at the level of Heads of State and Government, adopted the following decision on the situation in Côte d'Ivoire:

The Council,

1. **Recalls** decision PSC/AHG/Comm(XL) adopted at its 40th meeting held on 6 October 2005, which stipulates that the arrangements agreed upon in the Linas-Marcoussis Agreement of 23 January 2003 shall continue from 31 October 2005 for a period not exceeding twelve (12) months, as well as resolution 1633 (2005) adopted by the United Nations Security Council on 21 October 2005;

2. **Takes note** with satisfaction of the efforts made by all the Ivorian leaders with a view to restoring confidence between the parties concerned and **urges** them to pursue their efforts;

3. **Reiterates** its concern over the persistence of the crisis in Côte d'Ivoire and the dangers it poses to the unity of that country and the cohesion of its social fabric, as well as to peace and stability in the West African region;

4. **Reaffirms** the commitment of the African Union to the respect of the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, in conformity with the relevant principles enshrined in the Constitutive Act of the African Union, as well as the imperative need for the speedy reunification of Côte d'Ivoire. The Council **also reaffirms** the commitment of the African Union to the peaceful settlement of disputes and its total rejection of the use of force, as well as of any unconstitutional change of Government;

5. **Pays tribute** to the Economic Community of West African States (ECOWAS) and the leaders of the region for their relentless efforts aimed at promoting peace and reconciliation in Côte d'Ivoire;

6. **Pays tribute also** to the United Nations for its invaluable contribution to the search for peace and stability in Côte d'Ivoire, in particular through the role being played by the United Nations Operation in Côte d'Ivoire (UNOCI), and **welcomes** the personal and continued involvement of its Secretary-General, Kofi Annan, and his commitment to the restoration of peace in Côte d'Ivoire;

7. **Further pays tribute** to President Thabo Mbeki of the Republic of South Africa for the untiring efforts he has deployed in the service of peace and reconciliation in Côte d'Ivoire, as well as the numerous initiatives he has taken to move forward the peace process, in his capacity as African Union Mediator, driven by his deep commitment to finding African solutions to African problems;

8. **Commends** President Denis Sassou Nguesso of the Republic of Congo, Chairperson of the African Union, for his tireless efforts and for the initiatives he has taken to support the peace process in Côte d'Ivoire and to assist in overcoming the obstacles encountered in its implementation;

9. **Expresses its appreciation** for the work done by the International Working Group (IWG) since its establishment, in conformity with decision PSC/AHG/Comm(XL) and resolution 1633 (2005);

10. **Takes note** of the Communiqué issued following the 10th meeting of the IWG, held in Abidjan, on 8 September 2006, in which the latter expressed its serious concern about the deep and persistent obstacles to the implementation of the decisions adopted by the meeting of the main Ivorian political leaders held in Yamoussoukro, on 5 July 2006, and of the roadmap elaborated by the IWG and adopted by the Ivorian Government during the Seminar held in Yamoussoukro, from 9 to 11 February 2006, noted the causes of these impediments, and stressed that, given the prevailing situation, it was impossible to meet the deadlines set by resolution 1633 (2005) and that, consequently, it was imperative to define a new transitional framework that can provide a remedy to the causes of the deadlock that have been identified;

11. **Endorses** the observation of the ECOWAS Extraordinary Summit of Heads of State and Government, held in Abuja, on 6 October 2006, on the expiration of the transition period of twelve (12) months set by decision PSC/AHG/Comm (XL) and resolution 1633 (2005), and on the impossibility of organizing presidential elections on the scheduled date;

12. **Takes note** of the recommendations made by the ECOWAS Extraordinary Summit of Heads of State and Government on the management of the post-31 October 2006 period;

13. **Decides,** accordingly, that a new transition period not exceeding twelve (12) months shall be established commencing from 1st November 2006, to complete the following tasks:

- identification and registration of voters,
- DDR and restructuring of the defense and security forces,
- dismantling of the militias,
- restoration of State authority throughout the territory of Côte d'Ivoire, and
- the technical preparations for elections.

14. **Decides further** that, during this transition period, the following modalities shall apply:

i) President Gbagbo shall remain Head of State, until the end of the transition period,

ii) the Prime Minister of the transition Charles Konan Banny shall have all the necessary powers and means to implement the following activities:

- the disarmament programme,
- the identification process,
- the dismantling of the militias,
- the restoration of State authority throughout the country,
- electoral issues, and
- the redeployment of the administration and public services throughout the territory of Côte d'Ivoire.

iii) the Prime Minister shall also have the necessary authority over all the integrated Ivorian defense and security forces to enable him to carry out the tasks assigned to him,

iv) as provided for in decision PSC/AHG/Comm(XL) and resolution 1633 (2005), the Ministers shall be accountable to the Prime Minister, who shall have full authority over his Cabinet,

v) in the accomplishment of the mission of the Government, the Council of Ministers may, in all matters, take decisions by ordinances or decrees. In particular, the Council of Ministers may adopt, by ordinance, appropriate practical measures within the spirit of the law to speed up the processes of issuing duplicates of birth certificates and certificates of nationality,

vi) as provided for by decision PSC/AHG/Comm(XL) and resolution 1633 (2005), the Prime Minister shall not, in accordance with the Linas-Marcoussis Agreement, be eligible to stand for the elections to be organized on 31st October 2007, at the latest;

15. **Decides** to accept the request of President Thabo Mbeki for South Africa to hand over the role of Mediation, following its election to the United Nations Security Council. The Council **reaffirms** that the African Union will continue to call upon the leadership of President Mbeki in the resolution of the Ivorian crisis. The Council **congratulates** South Africa for its election to the United Nations Security Council and **expresses** confidence that South Africa will continue to support the resolution of the various African conflicts and strive towards world peace and security;

16. **Decides** to entrust the pursuit of the mediation to President Denis Sassou Nguesso of the Republic of Congo, in his capacity as Chairperson of the AU, in liaison with the Chairperson of the Commission of the African Union and ECOWAS and, as the need may arise, in liaison with any other African leader willing to make a contribution to the search for peace in Côte d'Ivoire. The Council **further decides** that the representative of the African Union Mediator shall lead the day-to-day mediation in Côte d'Ivoire, in conformity with decision PSC/AHG/Comm(XL);

17. **Reaffirms** the centrality of DDR to the peace process and **calls** for its immediate completion as well as for the completion of the disarmament and dismantling of the militias, which should run concurrently with the identification of citizens. The Council **invites** the Ivorian authorities to commence security sector reform that would establish a unified force structure and which would reinforce the republican and neutral character of the forces;

18. **Agrees** on the need to organize seminars on security sector reform by the African Union and ECOWAS, in collaboration with partners and with the participation of commanding and senior officers from West African countries emerging from conflict. These seminars will examine, among other issues, the principles of civilian control of armed forces and personal and individual responsibility for acts of impunity or violation of human rights;

19. **Reaffirms** its support to the impartial forces, namely, UNOCI and the forces of Operation Licorne that support it, and **calls** for the enhancement of their mandate, particularly in the provision of security for high-ranking government personalities and in the maintenance of law and order, for the holding of free, transparent, open and fair elections;

20. **Underscores** the need for the High Representative for Elections (HRE) to work closely with the Prime Minister and the Independent Electoral Commission (IEC) to ensure effective and timely preparation for the elections. The Council **encourages** the Office of the HRE to play a greater role in the resolution of disputes linked to the electoral process, or issues arising out of the procedures and processes to be adopted to ensure free, transparent, open and fair elections at the end of the transition period;

21. **Urges** all Ivorian parties to exercise maximum restraint, work together to overcome the current stalemate and refrain from any unilateral action during the transition period;

22. **Stresses** the crucial importance of the active involvement of the civil society in the peace process. In this respect, the Council **urges** the Ivorian Government to take all necessary steps to facilitate and to encourage the participation of the civil society in the peace process, and **requests** the Commission of the African Union and the ECOWAS Executive Secretariat to support all efforts deployed to that end;

23. **Reminds** the Ivorian authorities of their responsibility for the safety and security of persons and property of all ECOWAS and third country citizens in Côte d'Ivoire;

24. **Urges** the Government to ensure the speedy adoption and implementation of the Code of Conduct for the media as agreed in Yamoussoukro on 5 July 2006;

25. **Reaffirms its support** to the individual measures provided for in paragraphs 9 and 11 of the United Nations Security Council resolution 1572 (2004) of 15 November 2004 and subsequent resolutions relating to the commitments made by the Ivorian parties, and **calls on** the United Nations Security Council to take appropriate measures, including sanctions, against individuals or groups whose conduct, either by commission or omission, impedes or disrupts the implementation of the peace process and relevant United Nations Security Council resolutions on Côte d'Ivoire;

26. **Urges** the United Nations to take appropriate measures for the effective implementation of the arms embargo on Côte d'Ivoire, in conformity with resolution 1572 (2004), and to ensure that those who violate the embargo are severely punished;

27. **Decides** to submit this decision to the United Nations Security Council to enlist its support and, to this effect, **requests** the Chairperson of the Commission of the African Union to take all the necessary steps;

28. **Decides** to remain seized of the matter.